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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,898	03/17/2004	Guillaume Delarue	5974-156	4620
27383 7590 06/26/2008 CLIFFORD CHANCE US LLP 31 WEST 52ND STREET NEW YORK, NY 10019-6131				
EXAMINER LE, DEBBIE M				
ART UNIT 2168		PAPER NUMBER		
MAIL DATE 06/26/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/802,898

Applicant(s)

DELARUE, GUILLAUME

Examiner

DEBBIE M. LE

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 12, 2008 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Todorov et al (PgPub No. 2002/0116453 A1) in view of Ho et al (US Patent 6,964,053 B2).

As per claim 1, Todorov discloses [a] **computer system for allowing at least two client processes** (para. 0049, last 5 lines and elsewhere recites "a client protocol interface to provide data to multiple distinct clients practicing in variety of different data exchange protocols") **to access data through a server process** (Fig. 2, element # 50

Data Access Server ("DAS")), **said server process comprising an application** (Fig. 3, element # 90 DAS Engine) **managing said data** (Fig. 3, element 96, device protocol) **and an engine** (Fig. 3, elements # 80 and 82).

wherein the engine is adapted to receive requests (para. 0049, OPC client request) **in a first language from one of client processes and issuing responses in the first language to said one of client processes** (para. 0034, a client data exchange component (Fig. 3 # 80) is responsible for client application requests (any request coming is considered as "request in a first language") and presenting responsive data to client application according to a particular supported data exchange component 80), and

the engine is adapted to communicate with the application in a second language distinct from the first language, with objects having properties and associated with events (Fig. 5, Para. 0049-0054, para 0036 that set of stages that the data exchange component 80 and Standard Interface 82 is a superset of all interface operations potentially needed by any one of the data exchange component 80 to communicate with DAS 90);

the application is adapted to instantiate objects, to evaluate properties of instantiated objects based on data and to react to events, in response to said engine communicating with said application (Figs. 7-9, para. 0063-0111 describing how set of interfaces from the data exchange component 80 and Standard Interface 82 are executed by DAS engine 90 in response to calls by data exchange protocol of the OPC client request)

wherein the engine is adapted to issue responses in the first language to said one of client processes according to the objects instantiated by the application and to their properties (Fig. 7, para. 0034, DAS engine 90 obtains data received from data sources and passes the received data to a particular data exchange protocol 80 and the data exchange protocol delivers the received data to OPC client application request); and

the engine is adapted to provide updated properties and events to the application in the second language according to requests received in the first language from said one of client processes (Figs. 6-7, added, removed objects from client application request OPC).

Todorov does not explicitly teaches, but **Ho** further teaches **the second language being an object-oriented language** (col. 4, lines 15-35). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to allow the second language being an object-oriented language as disclosed by Ho because it would enable multiple applications, developed by multiple development teams running on different platforms, with different data types, data structures, commands, and command syntax, but they would be able to interconnectivity independently of any tool or middleware, language, etc., so that an end user experiences looks, feel and response of a single seamless application at her terminal, as suggested by Ho (col. 2, lines 48-60).

As per claim 2, Todorov further teaches the engine is further adapted to receive requests in the first language from another client process and issue responses in the

first language to said another client process; the engine is adapted to issue responses in the first language to said another client process according to the objects instantiated by the application and to their properties; and the engine is adapted to provide updated properties and events to the application in the second language according to requests received in the first language from said another client process (Fig. 2, para. 0034, 0049, last 5 lines and elsewhere recites "a client protocol interface to provide data to multiple distinct clients practicing in variety of different data exchange protocols").

As per claim 3, Todorov further teaches wherein a client process communicates with the engine of the server process through an application process, said application process comprising: a second engine adapted to communicate with the client process; a second application adapted to communicate with the second engine; and a client interface adapted to communicate with the engine in the first language and adapted to communicate with the second application and/or with the second engine (Fig. 3, 8-9, para. 63-111).

As per claim 4, Todorov further teaches wherein the engine is further adapted to receive requests in a third language from another client process and issue responses in the third language to said another client process, the third language being different from the first language and distinct from the second language; the engine is adapted to issue responses in the third language to said another client process according to the objects instantiated by the application and to their properties; and the engine is adapted to provide updated properties and events to the application in the second language according to requests received in the third language from said another client process

(Fig. 2, para. 0034, 0049, last 5 lines and elsewhere recites "a client protocol interface to provide data to multiple distinct clients practicing in variety of different data exchange protocols").

As per claim 5, Todorov further teaches wherein the engine is provided with a first renderer for communicating with said client process in said first language and with a second renderer for communicating with said another client process in said third language (Fig. 3, data exchange protocols).

As per claim 6, Todorov further teaches wherein a client process communicates with the engine of the server process through an application process, said application process comprising: a second engine adapted to communicate with the client process; a second application adapted to communicate with the second engine; and a client interface adapted to communicate with the engine in the first language and adapted to communicate with the second application and/or with the second engine (Fig. 2, para. 0034, 0049, last 5 lines and elsewhere recites "a client protocol interface to provide data to multiple distinct clients practicing in variety of different data exchange protocols").

As per claim 7, Todorov further teaches wherein the engine is further adapted to receive requests in a third language from another client process and issue responses in the third language to said another client process, the third language being different from the first language and distinct from the second language; the engine is adapted to issue responses in the third language to said another client process according to the objects instantiated by the application and to their properties; the engine is adapted to provide

updated properties and events to the application in the second language according to requests received in the third language from said another client process (Fig. 3, para. 0034, data exchange protocols).

As per claim 8, Todorov further teaches wherein the engine is provided with a first renderer for communicating with said client process in said first language and with a second renderer for communicating with said another client process in said third language (Fig. 2, Fig. 3, elements 80 and 82).

As per claim 9, Todorov further teaches wherein a client process communicates with the engine of the server process through an application process, said application process comprising: a second engine adapted to communicate with the client process; a second application adapted to communicate with the second engine; and a client interface adapted to communicate with the engine in the first language and also adapted to communicate with the second application and or with the second engine (Fig. 5, 7-9, para. 0063-0065).

As per claim 10, Todorov further teaches wherein a client process communicates with the engine of the server process through an application process, said application process comprising: a second engine adapted to communicate with the client process; a second application adapted to communicate with the second engine; and a client interface adapted to communicate with the engine in the first language and adapted to communicate with the second application and/or with the second engine (Figs. 2-3, clients access data access server 50 which said server 50).

As per claim 11, Ho further teaches wherein the first language includes html (col. 4, lines 15-19, HTML, XML, Dynamic HTML, WML).

Response to Arguments

Applicant's arguments with respect to claims 1-11 filed on May 12, 2008 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M. LE whose telephone number is (571)272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 23, 2008

/DEBBIE M LE/

Primary Examiner, Art Unit 2168